

Application No.: 10/648,849
Filing Date.: August 22, 2003

REMARKS

Claims 100-147 are pending in this application. Claims 1-99 were previously canceled. By this paper, Claims 100-117 and 127-147 are canceled without prejudice. Applicants reserve the ability to pursue the same or similar claims in one or more continuing applications. Claim 118 is hereby amended and new Claims 148-161 are added. Support for the amendments can be found in the specification and claims as filed.

Restriction Requirement

A Restriction Requirement has been imposed. In connection therewith, it is asserted that the application claimed the following inventions: Group I comprising Claims 100-140, drawn to a method for analyzing data from a glucose sensor, classified in class 600, subclass 365; Group II comprising Claim 141, drawn to a system for processing data signals obtained from a glucose sensor, classified in class 600, subclass 365; Group III comprising Claim 142, drawn to a continuous glucose monitoring device, classified in class 600, subclass 316; Group IV comprising Claims 143 and 144, drawn to a method of analyzing data from a glucose sensor, classified in class 600, subclass 365; and Group V comprising Claims 145-147, drawn to a system configured to process data from an analyte sensor, classified in class 600, subclass 300.

In response to the Restriction Requirement, Applicant hereby elects without traverse Group I, drawn to a method for analyzing data from a glucose sensor. Pending Claims 118-126 read on elected Group I. New Claims 148-161 also read on elected Group I.

A species election has also been imposed within Group I, as follows: Species A drawn to a generic method for analyzing data involving replacing the signal artifact using estimated glucose signal values; Species B drawn to a method for analyzing data involving replacing signal artifacts using estimated glucose signal values, wherein the signal artifacts detection step comprises testing for ischemia within or proximal to the glucose sensor; Species C drawn to a method for analyzing data involving the evaluation of a severity of the signal artifacts; Species D drawn to a method for processing data signals involving the application of a plurality of signal estimation algorithm factors to replace non-glucose related signal artifacts; and Species E drawn to a method for processing data signals involving the estimation of future glucose signals based on historical glucose values.

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In response to the species election, Applicants hereby elect, without traverse, Species C. Claims 118-126 and new Claims 148-161 read on Species C.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following abandoned, issued, and co-pending applications of the present application's assignee.

Serial Number	Title	Filed
07/122395	BIOLOGICAL FLUID MEASURING DEVICE	11/19/1987
07/216683	BIOLOGICAL FLUID MEASURING DEVICE	7/7/1988
08/811473	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	3/4/1997
09/447227	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	11/22/1999
09/489588	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/21/2000
09/636369	SYSTEMS AND METHODS FOR REMOTE MONITORING AND MODULATION OF MEDICAL DEVICES	8/11/2000
09/916386	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	7/27/2001
09/916711	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICE	7/27/2001
09/916858	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	7/27/2001

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10/153356	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	5/22/2002
10/632537	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/633329	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/633367	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/633404	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
10/646333	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	8/22/2003
10/647065	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	8/22/2003
10/648849	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/22/2003
10/657843	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	9/9/2003
10/695636	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	10/28/2003
10/768889	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	1/29/2004
10/789359	INTEGRATED DELIVERY DEVICE FOR CONTINUOUS GLUCOSE SENSOR	2/26/2004
10/838658	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/838909	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/838912	IMPLANTABLE ANALYTE SENSOR	5/3/2004
10/842716	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/10/2004
10/846150	ANALYTE MEASURING DEVICE	5/14/2004
10/885476	SYSTEMS AND METHODS FOR MANUFACTURE OF AN ANALYTE-MEASURING DEVICE INCLUDING A MEMBRANE SYSTEM	7/6/2004
10/896637	ROLLED ELECTRODE ARRAY AND ITS METHOD FOR MANUFACTURE	7/21/2004
10/896639	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	7/21/2004
10/896772	INCREASING BIAS FOR OXYGEN PRODUCTION IN AN ELECTRODE SYSTEM	7/21/2004
10/897312	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	7/21/2004
10/897377	ELECTROCHEMICAL SENSORS INCLUDING ELECTRODE SYSTEMS WITH INCREASED OXYGEN GENERATION	7/21/2004
10/991353	AFFINITY DOMAIN FOR ANALYTE SENSOR	11/16/2004

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10/991966	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	11/17/2004
11/004561	CALIBRATION TECHNIQUES FOR A CONTINUOUS ANALYTE SENSOR	12/3/2004
11/007635	SYSTEMS AND METHODS FOR IMPROVING ELECTROCHEMICAL ANALYTE SENSORS	12/7/2004
11/007920	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	12/8/2004
11/021046	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	12/22/2004
11/021162	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES	12/22/2004
11/034343	COMPOSITE MATERIAL FOR IMPLANTABLE DEVICE	1/11/2005
11/034344	IMPLANTABLE DEVICE WITH IMPROVED RADIO FREQUENCY CAPABILITIES	1/11/2005
11/038340	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	1/18/2005
11/039269	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVEL	1/19/2005
11/055779	BIOINTERFACE MEMBRANE WITH MACRO- AND MICRO-ARCHITECTURE	2/9/2005
11/077643	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077693	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077713	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077714	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077715	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077739	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077740	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077759	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	3/10/2005
11/077763	METHOD AND SYSTEMS FOR INSERTING A TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077765	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/077883	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078072	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078230	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/078232	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
11/157365	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/157746	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
11/158227	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005

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11/201445	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/10/2005
11/280102	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
11/280672	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
11/333837	LOW OXYGEN IN VIVO ANALYTE SENSOR	1/17/2006
11/334107	TRANSCUTANEOUS ANALYTE SENSOR	1/17/2006
11/334876	TRANSCUTANEOUS ANALYTE SENSOR	1/18/2006
11/335879	CELLULOSIC-BASED INTERFERENCE DOMAIN FOR AN ANALYTE SENSOR	1/18/2006
11/360250	ANALYTE SENSOR	2/22/2006
11/360252	ANALYTE SENSOR	2/22/2006
11/360262	ANALYTE SENSOR	2/22/2006
11/360299	ANALYTE SENSOR	2/22/2006
11/360819	ANALYTE SENSOR	2/22/2006
11/373628	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA FOR SENSOR CALIBRATION	3/9/2006
11/404417	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
11/404418	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
11/404421	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/404929	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/404946	ANALYTE SENSING BIOINTERFACE	4/14/2006
11/410392	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
11/410555	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
11/411656	ANALYTE SENSOR	4/26/2006
11/413238	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/413242	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/413356	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
11/415593	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
11/415631	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/415999	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006

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11/416058	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/416346	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
11/416375	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
11/416734	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006
11/416825	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006
11/439559	ANALYTE SENSOR	5/23/2006
11/439630	ANALYTE SENSOR	5/23/2006
11/439800	ANALYTE SENSOR	5/23/2006
11/445792	ANALYTE SENSOR	6/1/2006
11/498410	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/2/2006
11/503367	ANALYTE SENSOR	8/10/2006
11/515342	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
11/515443	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
11/543396	ANALYTE SENSOR	10/4/2006
11/543404	ANALYTE SENSOR	10/4/2006
11/543490	ANALYTE SENSOR	10/4/2006
11/543539	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543683	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543707	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/543734	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
11/546157	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	10/10/2006
11/654135	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	1/17/2007
11/654140	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
11/654327	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
11/675063	ANALYTE SENSOR	2/14/2007
11/681145	ANALYTE SENSOR	3/1/2007
11/690752	TRANSCUTANEOUS ANALYTE SENSOR	3/23/2007

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11/691424	ANALYTE SENSOR	3/26/2007
11/691426	ANALYTE SENSOR	3/26/2007
11/691432	ANALYTE SENSOR	3/26/2007
11/691466	ANALYTE SENSOR	3/26/2007
11/692154	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	3/27/2007
11/734178	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/734184	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/734203	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
11/750907	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTIALLY UNAFFECTED BY NON-CONSTANT NOISE	5/18/2007
11/762638	SYSTEMS AND METHODS FOR REPLACING SIGNAL DATA ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	6/13/2007
11/763215	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	6/14/2007
11/797520	TRANSCUTANEOUS ANALYTE SENSOR	5/3/2007
11/797521	TRANSCUTANEOUS ANALYTE SENSOR	5/3/2007
11/842139	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842142	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842143	TRANSCUTANEOUS ANALYTE SENSOR	8/20/2007
11/842146	ANALYTE SENSOR	8/20/2007
11/842148	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842149	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842151	ANALYTE SENSOR	8/21/2007
11/842154	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
11/842156	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTILALLY UNAFFECTED BY NON-CONSTANT NOISE	8/21/2007
11/842157	ANALYTE SENSOR	8/21/2007
11/855101	TRANSCUTANEOUS ANALYTE SENSOR	9/13/2007
11/865572	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/1/2007
11/865660	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	10/1/2007
11/925603	TRANSCUTANEOUS ANALYTE SENSOR	10/26/2007
12/037812	ANALYTE MEASURING DEVICE	2/26/2008

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12/037830	ANALYTE MEASURING DEVICE	2/26/2008
12/054953	ANALYTE SENSOR	3/25/2008
12/055078	ANALYTE SENSOR	3/25/2008
12/055098	ANALYTE SENSOR	3/25/2008
12/055114	ANALYTE SENSOR	3/25/2008
12/055149	ANALYTE SENSOR	3/25/2008
12/055203	ANALYTE SENSOR	3/25/2008
12/055227	ANALYTE SENSOR	3/25/2008
12/098353	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
12/098359	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
12/098627	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/7/2008
12/101790	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
12/101806	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
12/101810	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
12/102654	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
12/102729	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
12/102745	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
12/103594	BIOINTERFACE WITH MACRO- AND MICRO-ARCHITECTURE	4/15/2008
12/105227	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	4/17/2008
12/111062	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	4/28/2008
12/113508	LOW OXYGEN IN VIVO ANALYTE SENSOR	5/1/2008
12/113724	LOW OXYGEN IN VIVO ANALYTE SENSOR	5/1/2008
12/133738	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/133761	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/133786	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/133820	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
12/137396	TRANSCUTANEOUS ANALYTE SENSOR	6/11/2008

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12/139305	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	6/13/2008
12/175391	TRANSCUTANEOUS ANALYTE SENSOR	7/17/2008
12/182073	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
12/182008	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
12/182083	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
12/195191	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/20/2008
12/195773	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/21/2008
12/247137	IMPLANTABLE ANALYTE SENSOR	10/7/2008
12/250918	ANALYTE SENSOR	10/14/2008
12/252996	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/252952	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/253120	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/253125	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/252967	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/253064	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
12/258320	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258235	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258345	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258325	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258318	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/258335	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
12/260017	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES	10/28/2008
12/263993	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	11/3/2008

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12/264160	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	11/3/2008
12/264835	IMPLANTABLE ANALYTE SENSOR	11/4/2008
12/267542	ANALYTE SENSOR	11/7/2008
12/267518	ANALYTE SENSOR	11/7/2008
12/267525	ANALYTE SENSOR	11/7/2008
12/267548	ANALYTE SENSOR	11/7/2008
12/267547	ANALYTE SENSOR	11/7/2008
12/267546	ANALYTE SENSOR	11/7/2008
12/267544	ANALYTE SENSOR	11/7/2008
12/267545	ANALYTE SENSOR	11/7/2008
12/267494	INTEGRATED DEVICE FOR CONTINUOUS IN VIVO ANALYTE DETECTION AND SIMULTANEOUS CONTROL OF AN INFUSION DEVICE	11/7/2008
12/267531	ANALYTE SENSOR	11/7/2008
12/273359	TRANSCUTANEOUS ANALYTE SENSOR	11/18/2008
12/329496	TRANSCUTANEOUS ANALYTE SENSOR	12/5/2008
12/335403	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	12/15/2008
95/001038	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/17/2008
95/001039	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/17/2008

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Conclusion

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 01-14-09

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